

**RESIDENTIAL FACILITIES FOR PERSONS**

**WITH A DISABILITY**

2001 GENERAL SESSION

STATE OF UTAH

**Sponsor: Kory M. Holdaway**

**This act modifies municipal and county provisions relating to residences for persons with a disability. The act repeals certain restrictions on municipal and county ordinances relating to residences for persons with a disability and makes technical changes.**

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

**10-9-605**, as last amended by Chapters 21 and 140, Laws of Utah 1999

**17-27-605**, as last amended by Chapters 21 and 140, Laws of Utah 1999

*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **10-9-605** is amended to read:

**10-9-605. Residences for persons with a disability.**

(1) As used in this section:

(a) "Disability" is defined in Section 57-21-2.

(b) "Residential facility for persons with a disability" means a residence:

(i) in which more than one person with a disability resides; and

(ii) (A) is licensed or certified by the Department of Human Services under Title 62A, Chapter 2, Licensure of Programs and Facilities; or

(B) is licensed or certified by the Department of Health under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act.

(2) Each municipality shall adopt an ordinance for residential facilities for persons with a disability. The ordinance:

(a) shall comply with Title 57, Chapter 21, Utah Fair Housing Act, and the federal Fair Housing Amendments Act of 1988, 42 U.S.C. Sec. 3601 et seq.;

28 (b) may require~~[, if consistent with Subsection (2)(a),]~~ residential facilities for persons  
29 with a disability;

30 (i) if consistent with Subsection (2)(a), to be reasonably dispersed throughout the  
31 municipality; and

32 [~~(c) shall provide that a residential facility for persons with a disability:~~]

33 [~~(i) is a permitted use in any zoning area where residential dwellings are allowed; and]~~

34 (ii) [~~may only be required~~] to obtain permits that verify compliance with the building,  
35 safety, and health regulations that are applicable to similar structures.

36 (3) The responsibility to license programs or entities that operate facilities for persons with  
37 a disability, as well as to require and monitor the provision of adequate services to persons residing  
38 in those facilities, shall rest with:

39 (a) for programs or entities licensed or certified by the Department of Human Services, the  
40 Department of Human Services as provided in Title 62A, Chapter 5, Services to People with  
41 Disabilities; and

42 (b) for programs or entities licensed or certified by the Department of Health, the  
43 Department of Health under Title 26, Chapter 21, Health Care Facility Licensing and Inspection  
44 Act.

45 Section 2. Section **17-27-605** is amended to read:

46 **17-27-605. Residences for persons with a disability.**

47 (1) As used in this section:

48 (a) "Disability" is defined in Section 57-21-2.

49 (b) "Residential facility for persons with a disability" means a residence:

50 (i) in which more than one person with a disability resides; and

51 (ii) (A) is licensed or certified by the Department of Human Services under Title 62A,  
52 Chapter 2, Licensure of Programs and Facilities; or

53 (B) is licensed or certified by the Department of Health under Title 26, Chapter 21, Health  
54 Care Facility Licensing and Inspection Act.

55 (2) Each county shall adopt an ordinance for residential facilities for persons with a  
56 disability. The ordinance:

57 (a) shall comply with Title 57, Chapter 21, Utah Fair Housing Act, and the federal Fair  
58 Housing Amendments Act of 1988, 42 U.S.C. Sec. 3601 et seq.;

59 (b) may require~~[, if consistent with Subsection (2)(a),]~~ residential facilities for persons  
60 with a disability;

61 (i) if consistent with Subsection (2)(a), to be reasonably dispersed throughout the county;  
62 and

63 ~~[(c) shall provide that a residential facility for persons with a disability:]~~

64 ~~[(i) is a permitted use in any zoning area where residential dwellings are allowed; and]~~

65 (ii) ~~[may only be required]~~ to obtain permits that verify compliance with the building,  
66 safety, and health regulations that are applicable to similar structures.

67 (3) The responsibility to license programs or entities that operate facilities for persons with  
68 a disability, as well as to require and monitor the provision of adequate services to persons residing  
69 in those facilities, shall rest with:

70 (a) for programs or entities licensed or certified by the Department of Human Services, the  
71 Department of Human Services as provided in Title 62A, Chapter 5, Services to People with  
72 Disabilities; and

73 (b) for programs or entities licensed or certified by the Department of Health, the  
74 Department of Health under Title 26, Chapter 21, Health Care Facility Licensing and Inspection  
75 Act.

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**Legislative Review Note**  
**as of 11-27-00 12:28 PM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**